IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

CHRIS MCCLOUD,	)	
	)	
Plaintiff,	)	CIVIL ACTION
	)	
vs.	)	FILE NO._____
	)	
ALTECH PANEL SYSTEMS, LLC	)	
	)	**JURY TRIAL DEMANDED**
Defendant.	)	
_____	)	

COMPLAINT

COMES NOW Chris McCloud ("Plaintiff" or "Mr. McCloud"), by and through his undersigned counsel, and hereby files this Complaint, showing the Court as follows:

JURISDICTION, VENUE, AND PARTIES

1.

Plaintiff Chris McCloud is a former employee of Altech Panel Systems, LLC ("Defendant"). He was an employee engaged in commerce as defined by the Fair Labor Standards Act of 1938, 29 U.S.C. § 203.

2.

Defendant Altech Panel Systems, LLC is an "employer" within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. § 203.

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3.

Defendant is a Georgia limited liability company with a registered office at 1 Johnson Street, Suite 118, Cartersville, GA 30120 and is subject to the jurisdiction of this Court.

4.

This Court is the proper venue for this action.

FACTUAL BACKGROUND

5.

Defendant employed Plaintiff as a Shop Foreman from approximately June of 2012 until July of 2014.

6.

Plaintiff was paid on a salary basis, at a rate of $825.00 per week.

7.

Plaintiff supervised other employees, but did not have the authority to hire or fire employees. His supervisors did not give particular weight to any recommendations that he may have had as to hiring, firing, advancement, promotion, or any other change of status of any other employee.

8.

Plaintiff was not exempt from the overtime requirements of the Fair Labor

Standards Act. 29 U.S.C. §§ 207, 213.

9.

During the following dates, Plaintiffs worked the following number of hours

over 40 hours in a workweek:

Week

Ending	Hours
11/1/2013	4
11/15/2013	4
1/17/2014	8
1/24/2014	7
2/7/2014	1
2/21/2014	8
3/14/2014	8
3/21/2014	7
3/28/2014	13
4/4/2014	12
4/25/2014	5

5/2/2014   13

5/9/2014   12

5/16/2014   13

5/23/2014   12

5/30/2014   12

6/6/2014   8

6/13/2014   12

Total: **159**

<center>10.</center>

Because Mr. McCloud's salary was $825 per week, his regular rate of pay

was $20.63 per hour. By multiplying his regular rate of pay by 1.5, as required by

the Fair Labor Standards Act, his overtime rate should have been $30.94 per hour.

Thus, Mr. McCloud was underpaid by $4,919.46, which is calculated by

multiplying 159 hours by $30.94.

Count One: Violation of Fair Labor Standards Act of 1938, 29 U.S.C. § 201, *et*

seq.

11.

Plaintiff fully incorporates paragraphs 1-10, as if each were set forth

verbatim herein.

12.

Defendant failed to pay Plaintiff the statutorily required overtime pay, in

violation of the Fair Labor Standards Act of 1938, 29 U.S.C. § 207.

13.

Pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b),

Plaintiff is entitled to an additional amount equal to his unpaid overtime pay as

liquidated damages. In addition, Plaintiff is entitled to the costs of this action and

reasonable attorney's fees. Id.

WHEREFORE, Plaintiff prays for relief against the Defendant as follows:

a. that Defendant be required to appear before this Court and answer this Complaint;

b. that Plaintiff have judgment against Defendant for compensatory damages of $4,919.46, plus an equal amount as liquidated damages, as provided by the Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b), for a total amount of $9,838.92;

c. that Plaintiff have judgment against Defendant for all costs and attorney's fees of investigation and litigation reasonably incurred in connection with this action, as provided by the Fair Labor Standards Act of 1938, 29 U.S.C. §216(b), in an amount to be shown at trial;

d. that Plaintiff have a trial by jury with respect to all issues in this matter; and

e. for all further and proper relief that this honorable Court deems just and equitable.

Respectfully submitted this 30th day of January, 2015.

By: */s/ Christian G. Sotomayor*
Christian G. Sotomayor, Esq.
Georgia Bar No. 126426
Attorney for Plaintiff

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)

Pursuant to LR 7.1D NDGa., the Plaintiff's counsel certifies that this Motion

has been prepared in Times New Roman 14 point, one of the fonts approved in LR

5.1C NDGa.

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/s/ Christian G. Sotomayor
Christian G. Sotomayor, Esq.
Georgia Bar No. 126426
Attorney for Plaintiff

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